

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

NO. 2:19-CR-043-D

RODNEY JAMIE HICKS (01)

FACTUAL RESUME

In support of Rodney Jamie Hicks' plea of guilty to the offense in Count Six of the Indictment, Hicks, the defendant, John D. Talley, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count Six of the Indictment, charging a violation of 18 U.S.C. §§ 922(g)(1) and 924(a)(2), that is, Convicted Felon in Possession of Ammunition, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed ammunition;
- Second.* That before the defendant possessed the ammunition, the defendant had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year; and
- Third.* That the ammunition possessed traveled in interstate commerce; that is before the defendant possessed the ammunition, it had traveled at some time from one state to another.

¹ Fifth Circuit Pattern Jury Instruction 2.43D (5th Cir. 2015).

STIPULATED FACTS

1. Rodney Jamie Hicks admits and agrees that on or about February 13, 2019, in the Amarillo Division of the Northern District of Texas, and elsewhere, he, a person who had previously been convicted of a crime punishable by a term of imprisonment exceeding one year, did knowingly possess in or affecting interstate or foreign commerce, 84 rounds of ammunition, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

2. On February 13, 2019, officers with the Amarillo Police Department (APD) and agents with Homeland Security Investigations (HSI) executed a search warrant at Rodney Hicks' apartment. During the search, 84 rounds of ammunition were located in Hicks' apartment.

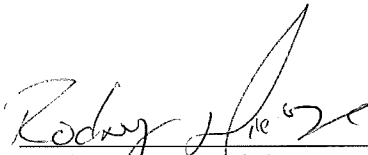
3. Hicks was read his *Miranda* warnings. He waived his rights and agreed to give a statement. Hicks admitted to possessing all of the ammunition found in his apartment.

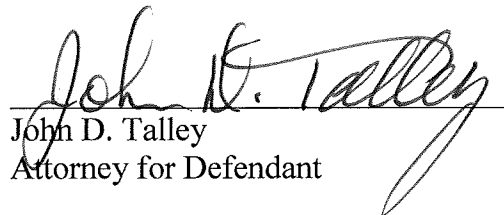
4. Further investigation revealed that before Hicks possessed the ammunition, he had been convicted in a court of a crime punishable by imprisonment for a term in excess of one year.

5. The ammunition was not manufactured in the State of Texas and, therefore, traveled in or affected interstate or foreign commerce; that is, before the defendant possessed the ammunition, it had traveled at some time from one state to another or between any part of the United States and any other country.

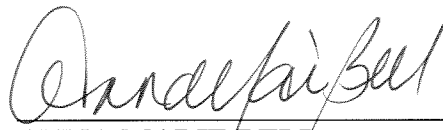
6. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count Six of the Indictment.

AGREED TO AND STIPULATED on this 13th day of May, 2019.


Rodney Jamie Hicks
Defendant


John D. Talley
Attorney for Defendant

ERIN NEALY COX
UNITED STATES ATTORNEY


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